



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

*water quality
mitigation*

OF Copy

960474

EC-2

JAN 13 1997

Ref: 8EPR-EP

Larry E. Hamilton
State Director
BLM Montana State Office
P.O. Box 36800
Billings, Montana 59107

RE: Standards for Rangeland Health and
Guidelines for Livestock Grazing
Management on BLM-Administered Lands
in Montana and the Dakotas Draft
Environmental Impact Statement (DEIS)

Dear Mr. Hamilton:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the Region VIII office of the Environmental Protection Agency (EPA) has reviewed the Standards for Range and Health and Guidelines for Livestock Grazing Management on BLM-Administered Lands in Montana and the Dakotas DEIS and offers the enclosed comments for your consideration in preparing the Final Environmental Impact Statement (FEIS). We have also enclosed EPA Region VIII's pre-scoping grazing guidance and several other related documents for use in the future by your District Offices.

We are providing our comments from a perspective gained from recent reviews of other Bureau of Land Management (BLM) and Forest Service land management plans. Additionally, the issues addressed reflect EPA's comments submitted to the BLM during the scoping process for the EIS (J. William Geise, Jr. to Lechefsky, 2/15/96) and comments expressed on the Range Reform 94 Draft EIS and Final EIS (EPA correspondence enclosed).

It is our understanding that Standards establish minimum required conditions for public lands to address watershed function, nutrient cycling and energy flow, water quality, habitat for threatened and endangered species (T&E), and habitat quality for native plant and animal populations and communities. Guidelines are the management practices or methods that will ensure that Standards can be met, or that significant progress can be made toward meeting Standards.



The development of Standards for rangeland health and Guidelines for livestock grazing management (S&G) by the BLM is a very positive step. We support the direction of BLM in developing S&Gs to protect and improve conditions for riparian areas, wetlands, water quality, and ecological health of watersheds.

We do recommend, however, that BLM evaluate its procedures to implement S&Gs to assure that they are consistent with water quality assessment procedures used by State and EPA nonpoint source pollution management programs and water quality standards (WQS) programs. The goal of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.

It is our understanding that the BLM's process for implementing S&Gs relies to a great extent on the determination of "proper functioning condition" (PFC) for riparian and wetland areas, and that BLM procedures for assessing PFC evaluates physical conditions (i.e., hydrologic, vegetative, and geomorphic [erosional & depositional] conditions) in such areas, but does not directly evaluate chemical condition or aquatic biota of surface waters.

We are concerned that there may be circumstances where PFC for streams may not ensure compliance with State WQS (e.g., where excessive introduction of animal wastes may impair water quality and stream biota, but physical impairment is not evident, or where other circumstances such as acid mine drainage or salinity may impair water quality or stream biota without physical impairment).

For most circumstances it would appear that BLM procedures that assess hydrologic, vegetative, and geomorphic conditions to determine PFC would ensure that water quality (including chemical and biological integrity) are restored and maintained. It is important to note, however, that our perspective on water quality includes the three components of physical, chemical and biological conditions. The BLM's focus on physical conditions for assessing PFC may be appropriate; but we believe it would be prudent to specifically evaluate whether physical assessment adequately assesses chemical and biological conditions. We suggest that the BLM obtain concurrence from appropriate State and EPA Nonpoint Source Pollution and Water Quality Standards program offices and that PFC assessment procedures are consistent with procedures used by States and EPA for assessing water quality and are adequate to assure WQS compliance.

We are also concerned that different sets of assessment procedures are being used by different groups for assessing effects of livestock grazing and other land management activities on streams and riparian/wetland areas. For example, the Montana Stockgrowers and Montana Riparian/Education Committee developed a stream channel and riparian area monitoring guide that assesses similar, but not

identical, criteria to that recommended by BLM in assessing PFC. Dr. Robert Logan at the Montana State University-Extension Service Riparian/Wetland Forest Stewardship Program has also developed stream-riparian-wetland assessment procedures. Other types of assessment procedures (e.g., rapid bioassessments) are used by State water quality agencies staff when identifying "water quality impairment" for the State 305(b) reports and the 303(d) lists.

We believe it would be worthwhile to evaluate different assessment procedures and either develop one integrated assessment procedure for use on all land ownerships, or develop understanding and guidance for when and where different assessment procedures should be used. Perhaps, it would be worthwhile to schedule an interagency meeting to identify and discuss the different assessment procedures that are being used.

To better meet the public disclosure purposes of the EIS, we suggest that the BLM checklists and checklist guidance for determining PFC be added to the appendices of the FEIS to allow the public to better understand how PFC determinations will be made.

We note that it is stated on page 63 of the DEIS that priorities for corrective action by BLM will be selected based on legal and policy requirements, resource values at risk, and public and other agency interest and concern. We suggest that the identification of impaired waters in State biennial water quality assessment reports (prepared in accordance with CWA Section 305(b)) and the State list of water quality limited water bodies (prepared in accordance with CWA Section 303(d)) be noted as a factor in determining and prioritizing whether corrective actions are taken. If impaired waters on BLM lands are identified by a State in a 305(b) report or 303(d) list, the BLM should prioritize efforts to review and adjust management activities to eliminate such water quality impairment. We would hope, as noted above, that bringing a stream into PFC would eliminate the water quality impairment and cause delisting from the State 305(b) report and 303(d) list.

Grazing practices can result in increases in nutrient (i.e., nitrogen and phosphorus) levels in surface waters. We recommend that you add nutrients to the water quality parameters that should be assessed to determine WQS compliance that are listed with the recommended Standards for the BLM Districts in Chapter 2 of the DEIS. We note, for example, that Montana's WQS (ARM 16.20.633) prohibit excessive amounts of nutrients attributable to agricultural practices that will create nuisance or undesirable conditions in State surface waters. You may want to include ARM 16.20.633 in Appendix C of the DEIS listing WQS for Montana, and North and South Dakota.

Based on the procedures EPA uses to evaluate the environmental impacts and the adequacy of information provided in EISs of the proposed action and alternatives, the EPA Region VIII rates the Draft Environmental Impact Statement (DEIS) for Standards for Rangeland Health and Guidelines for Livestock Grazing Management on BLM-Administered Lands in Montana and the Dakotas as category **EC-2 (Environmental Concerns, Insufficient Information)**. This rating indicates that EPA has identified potential environmental impacts, particularly concerning the preservation of surface water quality and the ability to achieve water quality standards beneficial uses. Additionally, the DEIS does not contain sufficient information to fully assess environmental impacts that should be avoided and specific mitigation methods to minimize those impacts.

If you may have questions related to our comments, please contact Toney Ott at (303) 312-6909. Enclosed are additional detailed comments discussing issues in the Draft EIS.

Sincerely,

Toney Ott for CLE

Carol L. Campbell, Director
Ecosystems Protection Program
Office of Ecosystems Protection
and Remediation

ENC: General and Specific Comments

EPA comment letter Rangeland Reform '94 DEIS

EPA comment letter Rangeland Reform '94 FEIS

Code of Environmental Management Principles for Federal Agencies

EPA Region VIII 'Scoping comments for Grazing and Range Environmental Documents

CC: John Wardell/Steve Potts, MOO
Stuart Lehman, MDH&ES
E. Suriano, OFA